

BEFORE THE
PHYSICAL THERAPY BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)

Case #: 1D 2011 71139

Against:)

Celice Anne Fletcher, PT)

1058 Deborah Street)

Upland, California 91784)


Physical Therapist License No. PT 9810)

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Physical Therapy Board, Department of Consumer Affairs, State of California, as its Decision in the above-entitled matter.

This decision shall become effective on July 21, 2012.

It is so ordered on June 21, 2012.



DEBRA J. ALVISO, PT, DPT, PRESIDENT
FOR THE PHYSICAL THERAPY BOARD
OF CALIFORNIA, DEPARTMENT OF
CONSUMER AFFAIRS

1 KAMALA D. HARRIS
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 State Bar No. 71375
California Department of Justice
4 300 So. Spring Street, Suite 1702
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5 Telephone: (213) 897-2543
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6 *Attorneys for Complainant*

7 **BEFORE THE**
PHYSICAL THERAPY BOARD OF CALIFORNIA
8 **DEPARTMENT OF CONSUMER AFFAIRS**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

11 **CELICE ANN FLETCHER, P.T.**
12 **1058 Deborah Street**
Upland, CA 91784

13 **Physical Therapist License No. PT 9810**

14 Respondent.

Case No. 1D-2011-71139

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
16 proceeding that the following matters are true:

17 PARTIES

18 1. Rebecca Marco (Complainant) is the Executive Officer of the Physical Therapy
19 Board of California. She brought this action solely in her official capacity and is represented in
20 this matter by Kamala D. Harris, Attorney General of the State of California, by E. A. Jones III,
21 Supervising Deputy Attorney General.

22 2. Celice Ann Fletcher, P.T. (Respondent) is representing herself in this proceeding and
23 has chosen not to exercise her right to be represented by counsel.

24 3. On or about July 8, 1980, the Physical Therapy Board of California issued Physical
25 Therapist License Number PT 9810 to Celice Ann Fletcher, P.T. (Respondent). That Physical
26 Therapist License was in full force and effect at all times relevant to the charges brought in
27 Accusation No. 1D-2011-71139 and will expire on January 31, 2013, unless renewed.

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1 California. Respondent understands and agrees that counsel for Complainant and the staff of the
2 Physical Therapy Board of California may communicate directly with the Board regarding this
3 stipulation and surrender, without notice to or participation by Respondent. By signing the
4 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek
5 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
6 to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary
7 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
8 action between the parties, and the Board shall not be disqualified from further action by having
9 considered this matter.

10 11. The parties understand and agree that facsimile copies of this Stipulated Surrender of
11 License and Order, including facsimile signatures thereto, shall have the same force and effect as
12 the originals.

13 12. In consideration of the foregoing admissions and stipulations, the parties agree that
14 the Board may, without further notice or formal proceeding, issue and enter the following Order:

15 **ORDER**

16 IT IS HEREBY ORDERED THAT Physical Therapist License Number PT 9810, issued to
17 Respondent Celice Ann Fletcher, P.T., is surrendered and accepted by the Physical Therapy
18 Board of California.

19 1. The surrender of Respondent's Physical Therapist License and the acceptance of the
20 surrendered license by the Board shall constitute the imposition of discipline against Respondent.
21 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
22 license history with the Physical Therapy Board of California.

23 2. Respondent shall lose all rights and privileges as a physical therapist in California as
24 of the effective date of the Board's Decision and Order.

25 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was
26 issued, her wall certificate on or before the effective date of the Decision and Order.

27 4. If Respondent ever files an application for licensure or a petition for reinstatement in
28 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must

1 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
2 effect at the time the petition is filed, and all of the charges and allegations contained in
3 Accusation No. 1D-2011-71139 shall be deemed to be true, correct and admitted by Respondent
4 when the Board determines whether to grant or deny the petition.

5 5. If Respondent should ever apply or reapply for a new license or certification, or
6 petition for reinstatement of a license, by any other health care licensing agency in the State of
7 California, all of the charges and allegations contained in Accusation, No. 1D-2011-71139 shall
8 be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
9 Issues or any other proceeding seeking to deny or restrict licensure.

10 6. Respondent shall pay the Board its costs of investigation and enforcement in
11 the amount of \$1,712.50 prior to issuance of a new or reinstated license.

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15 ACCEPTANCE

16 I have carefully read the Stipulated Surrender of License and Order. I understand the
17 stipulation and the effect it will have on my Physical Therapist License. I enter into this
18 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
19 be bound by the Decision and Order of the Physical Therapy Board of California.

20
21 DATED:

May 6, 2012

Celice Ann Fletcher PT

CELICE ANN FLETCHER, P.T.
Respondent

22
23
24 ENDORSEMENT

25 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted

26 ////

27 ////

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1 for consideration by the Physical Therapy Board of California of the Department of Consumer
2 Affairs.

3 Dated: 5/29/12

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California


E. A. JONES III
Supervising Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 1D-2011-71139

1 KAMALA D. HARRIS
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2 E. A. JONES III
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California Department of Justice
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6 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
PHYSICAL THERAPY BOARD OF CALIFORNIA
SACRAMENTO, CA February 6, 2012
BY C. Y. Inramental ANALYST

7
8 **BEFORE THE**
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 1D-2011-71139

11 **CELICE ANN FLETCHER, PT**
12 **1058 Deborah Street**
Upland, California 91784

Companion Case No. 1D-2011-70087

13 **Physical Therapist License No. 9810**

ACCUSATION

14 Respondent.

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17 Complainant alleges:

18 **PARTIES**

- 19 1. Rebecca Marco (Complainant) brings this Accusation solely in her official capacity
20 as the Executive Officer of the Physical Therapy Board of California, Department of Consumer
21 Affairs (Board).
- 22 2. On or about July 8, 1980, the Board issued Physical Therapist License Number 9810
23 to Celice Ann Fletcher, PT (Respondent). This license was in full force and effect at all times
24 relevant to the charges brought herein and will expire on January 31, 2013, unless renewed.

25 **JURISDICTION**

- 26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code (Code) unless otherwise
28 indicated.

1 4. Section 2609 of the Code states:

2 "The board shall issue, suspend, and revoke licenses and approvals to practice physical
3 therapy as provided in this chapter."

4 5. Section 2660 of the Code states:

5 "The board may, after the conduct of appropriate proceedings under the Administrative
6 Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary
7 conditions upon any license, certificate, or approval issued under this chapter for unprofessional
8 conduct that includes, but is not limited to, one or any combination of the following causes:

9 "...

10 "(d) Conviction of a crime that substantially relates to the qualifications, functions, or duties
11 of a physical therapist or physical therapist assistant. The record of conviction or a certified copy
12 thereof shall be conclusive evidence of that conviction.

13 "...

14 "(h) Conviction of a violation of any of the provisions of this chapter or of the Medical
15 Practice Act, or violating, or attempting to violate, directly or indirectly, or assisting in or abetting
16 the violating of, or conspiring to violate any provision or term of this chapter or of the Medical
17 Practice Act.

18 "...."

19 6. Section 2661 of the Code states:

20 "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a
21 charge of a felony or of any offense which substantially relates to the qualifications, functions, or
22 duties of a physical therapist is deemed to be a conviction within the meaning of this article. The
23 board may order the license suspended or revoked, or may decline to issue a license, when the
24 time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when
25 an order granting probation is made suspending the imposition of sentence, irrespective of a
26 subsequent order under Section 1203.4 of the Penal Code allowing that person to withdraw his or
27 her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
28 dismissing the accusation, information, or indictment."

1 7. Section 2676 of the Code states, in pertinent part:

2 "(a) A person renewing his or her license or approval shall submit proof satisfactory to the
3 board that, during the preceding two years, he or she has completed the required number of
4 continuing education hours established by regulation by the board, or such other proof of
5 continuing competency as the board may establish by regulation. Required continuing education
6 shall not exceed 30 hours every two years.

7 "(b) The board shall adopt and administer regulations including, but not limited to,
8 continuing education intended to ensure the continuing competency of persons licensed or
9 approved pursuant to this chapter. The board may establish different requirements for physical
10 therapists and physical therapist assistants. The board may not require the completion of an
11 additional postsecondary degree or successful completion of an examination as a condition of
12 renewal, but may recognize these as demonstrative of continuing competency. This program shall
13 include provisions requiring random audits of licensees and holders of approval in order to ensure
14 compliance."

15 CALIFORNIA CODE OF REGULATIONS

16 8. Title 16 of the California Code of Regulations Section 1399.20, states:

17 "For the purposes of denial, suspension or revocation of a license, pursuant to Division 1.5
18 (commencing with Section 475) of the code, a crime or act shall be considered to be substantially
19 related to the qualifications, functions or duties of a person holding a license under the Physical
20 Therapy Practice Act if to a substantial degree it evidences present or potential unfitness of a
21 person to perform the functions authorized by the license or approval in a manner consistent with
22 the public health, safety or welfare. Such crimes or acts shall include but not be limited to the
23 following:

24 "(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
25 violation of, or conspiring to violate any provision or term of the Physical Therapy Practice Act.

26 ". . . ."

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1 9. Title 16 of the California Code of Regulations Section 1399.91¹ (Continuing
2 Competency Required) states:

3 "(a) As required by this article, a licensee must accumulate 30 hours of continuing
4 competency hours in each license cycle. A licensee must submit evidence of completing those
5 hours to the board in order to renew his or her license. In order to implement this requirement:

6 (1) For licenses that expire between October 31, 2010, and October 31, 2011, if the
7 renewal is submitted prior to the expiration of the original license, 15 hours of continuing
8 competency shall be completed.

9 (2) For licenses that expire on and after November 1, 2011, the full 30 hours shall be
10 completed.

11 "(b) For first-time license renewals, if the renewal is submitted prior to the expiration of the
12 original license, the continuing competency hour requirements shall be one-half of the normal
13 cycle. The requirements of 1399.93 shall apply to any renewal under this subsection.

14 "(c) For those licensees accumulating "continuing education units" or "CEUs" under the
15 continuing education requirements of APTA and CPTA, one CEU is equal to ten hours."

16 10. Title 16 of the California Code of Regulations Section 1399.92 (Content Standards
17 for Continuing Competency) states:

18 "Continuing competency hours must be obtained in subjects related to either the
19 professional practice of physical therapy or patient/client management.

20 "(a) The professional practice of physical therapy includes but is not limited to professional
21 accountability, professional behavior and professional development.

22 "(b) Patient/client management includes but is not limited to examination, evaluation and
23 diagnosis and prognosis; plan of care; implementation; education; and discharge."

24 11. Title 16 of the California Code of Regulations Section 1399.93 (Continuing
25 Competency Subject Matter Requirements and Other Limitations) states:

26 "For each renewal cycle, a licensee's continuing competency hours must include the

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28 ¹ HISTORY: New section filed 10-7-2009; operative 11-6-2009 (Register 2009, No. 41).

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1 as a reimbursement in either the fiscal year in which the costs are actually recovered or the
2 previous fiscal year, as the board may direct."

3 FIRST CAUSE FOR DISCIPLINE

4 (Conviction of a Crime)

5 13. Respondent is subject to disciplinary action under Code sections 2660, subdivision
6 (d), and 2661 in that she was convicted of a crime substantially related to the qualifications,
7 functions or duties of a physical therapist. The circumstances are as follows:

8 14. On or about July 10, 2009, officers from the Pomona Police Department responded to
9 a report of a possible DUI driver. A witness notified the police that he observed Respondent
10 weaving in her traffic lane, and she failed to stop at the limit line. One of the police officers
11 initiated a traffic stop. Respondent made an illegal U-turn and did not stop driving until the
12 police officer turned on the vehicle sirens. The police officer made contact with Respondent who
13 appeared very confused. A second police officer arrived at the scene and took over the
14 investigation. This officer noted that Respondent had a strong odor of alcohol on her breath,
15 bloodshot and watery eyes, slow speech, and seemed confused about her location. As
16 Respondent exited her vehicle, she held on to the door in order to maintain her balance. She was
17 unsteady and swayed as she walked. The officer administered Field Sobriety Tests (FSTs) which
18 Respondent failed to satisfactorily perform. The FSTs were stopped for Respondent's safety
19 when it appeared she was about to fall forward. A Preliminary Alcohol Screening (PAS) test was
20 administered. The results of the PAS test indicated her blood alcohol content was .16 and .18.
21 When the officer asked if she had been drinking alcohol, Respondent initially denied consuming
22 alcohol, later said she had one drink, and finally admitted she had two scotch and sodas. Based
23 on her objective signs of intoxication and her FST performance, Respondent was placed under
24 arrest.

25 Respondent was transported to the Pomona Police Department jail where she was booked
26 for driving under the influence of alcohol, in violation of Vehicle Code section 23152,
27 subdivision (a). A blood sample was taken. The test results indicated her blood alcohol content
28 was .20%.

15. On or about September 3, 2009, in the matter entitled *The People of the State of California v. Celice Ann Fletcher*, Los Angeles County Superior Court Case No. 9PK05980, Respondent was charged as follows: Count 1: driving under the influence of alcohol, in violation of Vehicle Code section 23152, subdivision (a), a misdemeanor, and Count 2: driving while having a .08% or higher blood alcohol content, in violation of Vehicle Code section 23152, subdivision (b), a misdemeanor, with the allegation that she had a blood alcohol content of .15% or higher.

16. On or about December 9, 2010, pursuant to a negotiated plea agreement, Respondent entered a *nolo contendere* plea to driving while having a .08% or higher blood alcohol content, in violation of Vehicle Code section 23152, subdivision (b), as charged in Count 2 of Case No. 9PK05980. She admitted the special allegation of driving with a blood alcohol level of .15% or higher. Count 1 of the case was dismissed. Imposition of sentence was suspended, and Respondent was placed on probation for three years on the following terms and conditions:

- a. Pay fines and assessments of \$1,851.00;
- b. Complete a 9-month licensed first-offender alcohol program;
- c. Do not drive a motor vehicle without a valid license; and
- d. Obey all laws. Do not drive with any measurable amount of blood alcohol.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

17. Respondent is subject to disciplinary action under Code section 2660, subdivision (h), in that she engaged in unprofessional conduct. Respondent failed to comply with her continuing competency requirements pursuant to Code section 2676 and California Code of Regulations, title 16, sections 1399.91, 1399.92 and/or 1399.93, and is ineligible to practice physical therapy. The circumstances are as follows:

18. Respondent submitted a license renewal application on or about January 29, 2011. Pursuant to California Code of Regulations, title 16, section 1399.91, Respondent was required to complete 30 hours of continuing competency hours, certify under penalty of perjury that she had accumulated the minimum competency hours required for license renewal, and to, if called upon

1 by the Board, submit evidence of completion to the Board in order to renew her license.

2 Respondent failed to certify on her license renewal application that she completed the minimum
3 continuing competency hours.

4 19. On or about May 17, 2011, the Board sent a letter to Respondent informing her that
5 she had been randomly selected for a continuing competency compliance audit. The Board
6 enclosed a Continuing Competency Activities and Coursework Checklist, which Respondent was
7 asked to complete. Respondent was also asked to submit copies of the documents showing
8 completion of her continuing competency hours. The Board requested that she mail the
9 documents within 30 days. The Board also notified Respondent that failure to provide the
10 requested documents could result in action taken against her license. Respondent did not comply.

11 20. On or about August 31, 2011, the Board sent by certified mail another letter to
12 Respondent asking her again to complete a Continuing Competency Activities and Coursework
13 Checklist, and submit copies of the documents showing completion of the continuing competency
14 hours. The Board requested that she mail the documents within 15 days. The Board also notified
15 Respondent that failure to provide the requested documents could result in action taken against
16 her license. This letter was returned to the Board by the U.S. Postal Service marked "Return to
17 sender. Unable to forward."

18 21. On or about October 3, 2011, the Board sent by certified mail a letter to Respondent
19 that her license renewal form was incomplete. The Board enclosed a blank license renewal form
20 which Respondent was asked to complete and return to the Board by October 18, 2011. This
21 letter was returned to the Board by the U.S. Postal Service marked "Unclaimed."

22 22. Since on or about May 17, 2011, Respondent has failed and refused to provide proof
23 of her completion of thirty continuing competency hours, thereby, violating Code section 2676.

24 PRAYER

25 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
26 and that following the hearing, the Physical Therapy Board of California issue a decision:

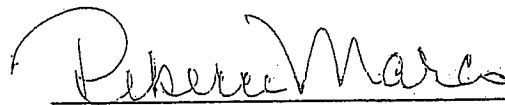
27 1. Revoking or suspending Physical Therapist License Number 9810 issued to Celice
28 Ann Fletcher;

1 2. Ordering Celice Ann Fletcher to pay the Physical Therapy Board of California the
2 reasonable costs of the investigation and enforcement of this case pursuant to Business and
3 Professions Code section 2661.5;

4 3. Ordering Celice Ann Fletcher, if placed on probation, to pay the costs of probation
5 monitoring; and

6 4. Taking such other and further action as deemed necessary and proper.
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8

9 DATED: February 6, 2012



REBECCA MARCO
Executive Officer
Physical Therapy Board of California
Department of Consumer Affairs
State of California
Complainant

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DECLARATION OF SERVICE BY FIRST CLASS CERTIFIED MAIL
AND FIRST CLASS U.S. MAIL

In the Matter of the Accusation filed against:

Celice Anne Fletcher

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 2005 Evergreen Street, Suite 1305, Sacramento, California 95815. I served a true copy of the attached:

Stipulated Surrender of License and Order

by mail to the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERT NO.

Celice Anne Fletcher
1058 Deborah Street
Upland, California 91784

7009 1410 0001 4373 9140

E.A. Jones III, Supervising DAG
Department of Justice
300 South Spring Street, Suite 1702
Los Angeles, California 90013

7009 1410 0001 4373 9157

Said envelope(s) was then, on June 21, 2012 sealed and deposited in the United States mail in Sacramento, California, the county in which I am employed, as certified mail, with the postage thereon fully pre-paid, and return receipt requested.

Executed on June 21, 2012 in Sacramento, California. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

C. Livramento

Cristy Livramento, Declarant